

EXHIBIT 1

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ROBERT SHALHOUB,

Plaintiff,

-vs-

Case No. 21- -CD
Hon.

A2MAC1, LLC, and FRANK BUNT,

Defendants.

Jonathan R. Marko (P72450)
MARKO LAW, PLLC
Attorney for Plaintiff
1300 Broadway Street, Fifth Floor
Detroit, MI 48226
P: (313) 777-7529 / F: (313) 771-5785
jon@markolaw.com

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

/s/ Jonathan R. Marko

COMPLAINT

NOW COMES Plaintiff, ROBERT SHALHOUB, by and through his attorneys, MARKO LAW, PLLC, and for his Complaint against the above-named Defendants, states as follows:

INTRODUCTION

1. Plaintiff, Robert Shalhoub, brings this action seeking financial penalties against his former employers, Defendants, A2MAC1, LLC, and its CEO, Frank Bunt, for

its repeated unlawful retaliations against him and all the suffering, pain, and damages that Plaintiff has had to endure because of Defendants' illegal employment actions.

2. Defendants first retaliated against Plaintiff by unilaterally changing his commission plan, essentially stealing from him, after he testified honestly in a co-worker's civil rights investigation and lawsuit that made Defendants look bad. Unsurprisingly, the 2018 lawsuit arose out of another obvious instance where Defendants illegally retaliated against one of its employees for reporting sexual harassment, suggesting this might be a pattern for Defendants.

3. Plaintiff consulted a civil rights lawyer, who raised concerns to Defendants about their illegal retaliation against Plaintiff.

4. Inexplicably, after learning that Plaintiff was being represented by an attorney and that Plaintiff and his attorney were already raising issues of employment retaliation and planning to pursue legal remedies, Defendants fired Plaintiff within weeks, in yet another obvious retaliatory act.

JURISDICTION AND VENUE

5. Robert Shalhoub is a 51-year-old man, who resides in the County of Wayne, State of Michigan.

6. Defendant A2Mac1, LLC, conducts business in the State of Michigan, and does in fact regularly and systematically conduct this business in the County of Wayne, State of Michigan.

7. Defendant Frank Bunt, at all times relevant was the CEO of Defendant A2Mac1, LLC, at its location in the County of Wayne, State of Michigan.

8. The transactions and occurrences giving rise to this action took place in the County of Wayne, State of Michigan.

9. The amount in controversy greatly exceeds this Court's jurisdictional requirement.

FACTUAL ALLEGATIONS

10. Plaintiff, by reference, incorporates the preceding paragraphs of his Complaint as though fully set forth herein.

11. Plaintiff started working for Defendants in 2015 and he was an exemplary employee for six years, never receiving any write-ups or disciplines the entire time.

12. Defendant A2Mac1, LLC, was sued by another employee in 2018 because A2Mac1, LLC, allowed her to be sexually harassed at work and then retaliated against her when she complained about it.

13. Plaintiff participated in the 2018 lawsuit and refused to lie to help A2Mac1, LLC, save face. He testified honestly that he thought A2Mac1, LLC, retaliated against the woman for complaining about the harassment she faced.

14. After Plaintiff's testimony cast a negative light on A2Mac1, LLC, Defendants changed his commission plan, depriving him of commissions that he earned and relied on.

15. Plaintiff recognized that Defendants were retaliating against him for participating in a civil rights investigation and lawsuit, both of which are protected activities under Michigan's Elliott-Larsen Civil Rights Act, so he consulted with an attorney.

16. On April 30, 2021, Plaintiff's counsel contacted Defendants on Plaintiff's behalf, notifying Defendants that Plaintiff planned to seek recovery from Defendants for Defendants' illegal actions directed at him. **(Exhibit 1, April 30, 2021 Letter to Defendants).**

17. Less than thirty (30) days after Plaintiff's counsel complained on Plaintiff's behalf, Defendants terminated Plaintiff in retaliation for seeking legal advice regarding his civil rights with an attorney.

**COUNT I: VIOLATION OF MICHIGAN ELLIOTT-LARSEN CIVIL RIGHTS
ACT – RETALIATION**

18. Plaintiff, by reference, incorporates the preceding paragraphs of his Complaint as though fully set forth herein.

19. At all relevant times, Plaintiff was an "employee" and Defendants were "employers" within the meaning of Michigan's Elliott-Larsen Civil Rights Act ("ELCRA"), MCL 37.2101, *et seq.*

20. Plaintiff engaged in protected civil rights activity under the ELCRA when he participated honestly in his co-worker's civil rights lawsuit.

21. Plaintiff engaged in protected civil rights activity when he communicated, consulted with, and provided information regarding Defendants' retaliation to an employment lawyer. *See, Doe v. Kohn Nast & Graf, P.C.*, 862 F. Supp. 1310 (E.D. PA 1994).

22. Defendants retaliated against Plaintiff for engaging in said protected activity by terminating his employment.

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23. As a direct and proximate result of Defendants' actions, Plaintiff has sustained and continues to sustain injuries and damages.

COUNT II: BREACH OF CONTRACT

24. Plaintiff, by reference, incorporates the preceding paragraphs of his Complaint as though fully set forth herein.

25. Plaintiff satisfactorily performed all his obligations under the parties' employment contract.

26. Defendants have breached the parties' employment contract by unilaterally changing Plaintiff's commission plan and by terminating him in retaliation for seeking legal advice.

27. As a direct result of Defendants' breach of said employment contract, Plaintiff has sustained and continues to sustain injuries and damages.

COUNT III: PROMISSORY ESTOPPEL

28. Plaintiff, by reference, incorporates the preceding paragraphs of his Complaint as though fully set forth herein.

29. Defendants made a clear and unambiguous promise to Plaintiff that he would receive commission for all of his past services that earned money for Defendants.

30. Defendants made a clear and unambiguous promise to Plaintiff that he would retain his employment with them if he performed satisfactorily.

31. Defendants breached said promises.

32. Plaintiff relied on Defendants' promises in agreeing to work for Defendants.

33. Plaintiff's reliance was reasonable and foreseeable.

34. As a direct result of Defendants' breach of said promises, Plaintiff has sustained and continues to sustain injuries and damages.

COUNT IV: VIOLATION OF MICHIGAN SALES REPRESENTATIVE ACT

31. Plaintiff, by reference, incorporates the preceding paragraphs of his Complaint as though fully set forth herein.

32. Plaintiff was a sales representative under the Michigan Sales Representative Act ("MSRA"), MCL 600.2961, *et seq.*

33. Defendants were principals under the MSRA.

34. Commissions are due and owing to the Plaintiff from Defendants.

35. Defendants purposefully failed to pay the commissions.

36. Defendants' actions violate the MSRA.

37. As a direct result of Defendants' failure to pay Plaintiff owed commissions, Plaintiff has sustained and continues to sustain injuries and damages.

COUNT V: VIOLATION OF WHISTLEBLOWERS' PROTECTION ACT

38. Plaintiff, by reference, incorporates the preceding paragraphs of his Complaint as though fully set forth herein.

39. Plaintiff reported suspected violations of civil rights laws by Defendants to a licensed attorney.

40. Licensed attorneys are public bodies for purposes of the Whistleblowers' Protection Act. *See, McNeill-Marks v. Midmichigan Med. Center-Gratiot*, 316 Mich. App. 1, 23 (2016).

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41. Defendants were aware the Plaintiff was reporting and investigation suspected violations of law to a public body.

42. Defendants' actions in retaliating against Plaintiff, including but not limited to, the termination of his employment and the denial of his earned commissions, was intentional and in disregard for the Plaintiff's constitutionally protected rights.

43. The retaliatory conduct of Defendants and its agents is a violation of Michigan Whistleblowers' Act, MCL 15.362.

WHEREFORE, Plaintiff respectfully requests this Honorable Court grant judgment in favor of Plaintiff and against Defendants in an amount that this Court or a jury deems just and fair, plus interests, costs, and attorney fees.

Respectfully submitted,

/s/ Jonathan R. Marko

Jonathan R. Marko (P72450)

MARKO LAW, PLLC

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Detroit, MI 48226

(313) 777-7529 / Fax: (313) 777-5785

Email: jon@markolaw.com

Dated: June 7, 2021

Approved, SCAO

Original - Court
1st Copy- Defendant2nd Copy - Plaintiff
3rd Copy -ReturnSTATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

SUMMONS

CASE NO.
21-006837-CD
Hon.Lita Masini Popke

Court address : 2 Woodward Ave., Detroit MI 48226

Court telephone no.: 313-224-2953

Plaintiff's name(s), address(es), and telephone no(s)
SHALHOUB, ROBERT

v

Defendant's name(s), address(es), and telephone no(s).
A2MAC1, LLC

Plaintiff's attorney, bar no., address, and telephone no

Jonathan Robert Marko 72450
1300 Broadway St Ste 500
Detroit, MI 48226-2202**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court,

where it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date
6/7/2021Expiration date*
9/6/2021Court clerk
Carlita McMiller

Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



SUMMONSCase No. : **21-006837-CD****PROOF OF SERVICE**

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE****OR**☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☐ I served personally a copy of the summons and complaint.

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Fee \$	
Incorrect address fee \$	Miles traveled \$	Fee \$	Total fee \$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____
Day, date, time

_____ on behalf of _____

Signature

Approved, SCAO

Original - Court
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Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____
Day, date, time

_____ on behalf of _____

Signature